THE NEW-YORK
CITY-HALL RECORDER.

VOL. II. *For March*, 1817. NO. 3

MAYOR'S COURT.

BEFORE

The Honourable RICHARD RIKER, Recorder, in the Term of March, 1817.
JOHN L. BROOME, Clerk.

(LIBEL.)

CYNTHIA VAN CLEEF, AN INFANT, &c.
v. WILLIAM G. LAWRENCE.

WILKINS, BOGARDUS, and PRICE, *Counsel for the Plaintiff.*
ANTHON and HILDRETH, *Counsel for the Defendant.*

To read a scurrilous letter to others, impeaching the chastity of a woman, is evidence of the publication of a libel, and the repetition of matters contained in such letter, whether before or after action brought, may be given in evidence to show the malicious intent of the original publication.

This was an action for a libel, contained in a letter published by the defendant, of and concerning the plaintiff, purporting to have been written by one Sampson Valentine to the defendant.

Bogardus, in an impressive manner, but with a delicacy which the peculiar nature of the case required, opened the cause to the jury on the part of the plaintiff.

The damages were laid in the declaration at $4,000.

It appeared in evidence, that the plaintiff is a young lady of the village of Brooklyn, about nineteen years of age, and the defendant, at the time of the publication of the libel hereafter mentioned, was a teacher in the same village. The mother of the plaintiff is a widow, who has a large family of children, mostly females, who are unmarried. Since the death of her husband, the family, by their industry, have acquired considerable property, and the character of the family, generally, was proved to be good, by a number of very respectable witnesses.

Previous to the introduction of the testimony on the trial, Anthon apprized the opposite counsel, that he admitted the character of the plaintiff to be fair and unblemished, in the fullest extent.

Previous to the commencement of the action, and in the latter part of June last, the mother and her family had heard of divers infamous reports, circulated in the village of Brooklyn, injurious to the character of the plaintiff, propagated by the defendant. The mother sent for the defendant, who at first neglected to call on her, but afterwards came to the house, on the second request, and, in presence of a Mrs. Hazard, voluntarily exhibited and read the letter containing the libel in question. It was an illiterate production, filled with low, obscene ribaldry, impeaching the chastity of the plaintiff, and boasting of having had connexion with her at divers times.

The defendant said, that he produced and read it to convince the mother; and that he had started once to put it in the papers, and did not know but he should still do so. The letter purported to have been signed by "S. D. Valentine," whom the defendant represented to the mother to be then in Virginia; but in the one produced on the trial, alleged by the defendant to be the one in question, the name of the place at which it was dated was obliterated; though, on the back, it had the Poughkeepsie post mark.

It further appeared, that the defendant had been industriously engaged in the circulation of the contents of the letter among the people of Brooklyn, by exhibiting it to some, and repeating the most defamatory parts to others.

It further appeared, that the defendant was a married man, and a distant relation of the plaintiff. Valentine had been a resident of Brooklyn, and boarded at the house of the defendant. The mother of the plaintiff stated, that the only motives to which she could attribute the conduct of the defendant, in the publication of the libel were, that she had taken away certain of her children from his school, and that she had understood, that the defendant was anxious that Valentine should marry one of the sisters in law of the defendant, and therefore contrived to excite animosity between Valentine and the plaintiff, to whom the defendant thought the former paid his addresses. It was also proved that the defendant was destitute of property.

After the counsel for the plaintiff had

proved the publication of the libel by the defendant, a witness on behalf of the plaintiff was called, to show certain representations of the defendant to the witness, in relation to the contents of the letter, without showing the paper; and the witness, without restricting himself to any time anterior to the commencement of the suit, was about proceeding in his testimony.

Anthon objected to the evidence offered, because, as the counsel insisted, the plaintiff should be confined in her proof to the specific charge laid in the declaration, and to a time previous to the commencement of the suit; otherwise the plaintiff might recover for matters of which she had not complained.

Bogardus and Price, contra.

The court decided that the evidence offered was proper, for the purpose of showing the malicious intent of the defendant in the publication of the libel, then already proved.

In summing up the case to the jury, the principal ground of defence assumed by the counsel for the defendant was, that he actually received several letters from Valentine, which, in such a village as Brooklyn, could not be kept secret. By some means, the mother hearing of their contents, sent for the defendant, who, by her express request, exhibited the letter, in confidence, without any malicious intent.

The counsel, in support of this branch of his argument, cited and read to the jury, the case of *Smith* v. *Wood*, (3 Camp. N. P. P. 323.) which was an action for a libel in exhibiting a caricature of the plaintiff, wherein it appeared, that the witness, having heard that the defendant had such a caricature, called on him, and requested liberty to see it. The defendant exhibited the caricature, and pointed out the figure of the plaintiff, and the other persons ridiculed. Lord Ellenborough ruled, that this was not sufficient evidence of a publication, and the plaintiff was nonsuited.

The counsel contended that this was analogous to the present case, and that the defendant, conformable to the principle in the case cited, ought to be acquitted by the jury.

But should the court and jury not agree with him in that point, the counsel strenuously urged to the jury, from a variety of considerations, that they ought to find no more than nominal damages.

The defendant was destitute of property, and would be sufficiently amerced by the costs. There could be no other object on the opposite side, in pressing for heavy damages, than to imprison the defendant, and deprive his children of bread. At the commencement of the trial, the defendant had magnanimously placed the character of the plaintiff in as fair a light as her friends or counsel could wish. The only legitimate object of the prosecution, was the vindication of a character unjustly aspersed; and that object was completely attained, by the admission of the defendant, before the evidence was opened, that her character was fair and unblemished.

Price, in a handsome address to the jury, insisted that the poverty of the defendant ought not to protect him from a verdict for heavy damages; and that a verdict for nominal damages in this case, would afford an example of perfect impunity to others for similar outrages. He averred the great object of prosecutions of this description to be, for public example; and he conjured the jurors, as fathers and brothers, in their verdict, to mark the conduct of the defendant with its merited reprobation. The jurors should consider, that the libel in question was published against a helpless, unprotected female, the peace and reputation of whom rested on the result of the verdict about to be rendered by them.

His honour the Recorder, in his charge to the jury, presented four questions for their consideration: 1. Did the defendant write the libel. 2. Should it be the opinion of the jury, that he did not write the libel, the next question would be whether he published it. 3. If he did publish it, was it published innocently and without malice, and 4th. Should the jurors determine that the defendant published the libel maliciously, what damages ought the plaintiff to recover?

With regard to the first question, it was the opinion of his honour, that the weight of testimony would warrant the jury in deciding this question in the negative, or, in other words, that the defendant did not write the letter. The next was rather a question of law than of fact. A libel may be published by exhibiting the original, by multiplying copies, and, by various means, giving it publicity. One of these means, undoubtedly, is the reading a libellous publication

to others. His honour, on this question, charged the jury, that the testimony would warrant the conclusion that the defendant published the letter. The third, and, in the opinion of the court, the most important question in the case, was, whether the defendant published the letter without malice. Should it be the opinion of the jury, that the defendant in this publication was actuated by pure motives; if he read the letter through concern for the family, or to put them on their guard, it would be the duty of the jury to pronounce a verdict in his favour; but if the jury should be of a contrary opinion, the defendant must be found guilty.

The weight of evidence on this question, in the opinion of the court, strongly supported the conclusion, that the defendant published the libel maliciously. He read the letter in a vaunting manner, and told the mother that he had started once to put it in the newspapers, and did not know but he should still do so. He concealed the true place of Valentine's residence from the family, and, in several instances, related the substance of the letter to others.

On the whole, it appears to the court, that the defendant has falsely and maliciously published, of and concerning the plaintiff, a libel.

Should this be the opinion of the jury, the next and last question is, what damages ought the plaintiff to recover?

This, from its nature, is a question solely within the province of a jury to decide, from all the circumstances in the case. It should be considered by the jury, that the party who seeks redress at their hands, is a female. For wise reasons, the law had excluded women from a participation in judiciary concerns, or affairs of state; and when her claims are exhibited in a court of justice, for the redress of a personal injury, a woman reposes on the feelings and sense of honour which should pervade the bosoms of the other sex. Naturally weak and defenceless, she has no other means of redress for an injury of this nature from a man, than by an appeal to a jury.

The subject matter of this libel, should also be taken into consideration by the jury, in ascertaining the amount of damages. The jurors should recollect, that the reputation of chastity, with the other sex. is of as great importance as honesty and integrity with us. With them, this virtue is a jewel of inestimable value, insomuch, that a woman who becomes even suspected in this particular, is degraded, if not ruined, in her own estimation and that of the public.

Had the defendant, instead of publishing this libel, actually plunged a poniard in the breast of the plaintiff, comparatively speaking, he could not have inflicted a more deadly injury, on her or the family.

There are no definite rules which can be laid down in directing a jury, in a case of this kind, as to the amount of damages; but the jury, without exercising any angry passions, will retire and bring in such a verdict as, under all the circumstances of this case, they may conceive right.

In about ten minutes after retiring, the jurors returned, and, by their foreman, inquired of the court, whether, in their verdict, they were restricted to the amount of damages laid in the declaration.

The court informed them that they were not restricted to any specific sum, but should their verdict exceed the damages laid, the plaintiff, in making up the judgment record, must release to the defendant the overplus.

The jurors, thereupon, rendered a verdict in favour of the plaintiff for $5,000.

The conduct of the jurors in rendering this verdict, must be applauded by all honourable men. The citizens of New-York, we hope, will, on all just occasions, express their utter abhorrence at the mean, dastardly wretch, who secretly or openly traduces the reputation of such as have not strength to vindicate their own wrongs. Above all, we trust, that villagers will understand by this verdict, that *village scandal*, though propagated among them with approbation and by general consent, will not be tolerated among men who mind their own business. We have often seen, and with much regret, a $5 verdict rendered by twelve, (not men,) in a case attended by circumstances full as aggravated as in this case; we have seen clubbing, conspiring, and packing of juries, to prevent condign punishment from falling on the head of the worthless slanderer: in fine, we have seen the highest personal injury which could be inflicted on an unprotected individual, winked at by a jury, and suffered to pass with impunity. The result of this trial shows that a different practice prevails in the metropolis.

AT a COURT of GENERAL SESSIONS of the Peace, holden in and for the City and County of New-York, at the City-Hall of the said City, on *Monday*, the 3d of *March*, in the year of our Lord one thousand eight hundred and seventeen—

PRESENT,

The Honourable
JACOB RADCLIFF, *Mayor.*
REUBEN MUNSON, } *Aldermen.*
NICHOLAS FISH, }

GRAND JURORS.

STEPHEN ALLEN, *Foreman.*

RICHARD P. BERRIAN,	AMOS BUTLER,
WILLIAM ADEE,	SAMUEL KELLOGG,
JOHN T. DOLAN,	THOMAS FREEBORN,
JOHN TURNER,	GILBERT S. MOUNT,
JOHN CONREY,	EDMUND C. GENET,
GIDEON TUCKER,	JAMES VAN HORNE,
WM. B. TOWNSEND,	MATTHIAS WARD,
ROBERT AINSLIE.	

(ASSAULT AND BATTERY—CRUELTY.)

JOHN GAMBLE'S CASE.

GARDINER, *Counsel for the prosecution.*
SAMPSON, *Counsel for the defendant.*

Where the husband is convicted of an outrageous assault and battery committed on the wife, whom he has left in a helpless situation, destitute of the means of support, the court will suspend his sentence, to ascertain whether a reconciliation will take place; and if it does not, in a reasonable time, and the husband remains obstinate, the court will inflict such a fine as will bring him to a sense of his duty.

The defendant was indicted for divers assaults and battery, committed on Mary Gamble, his wife.

It appeared by her testimony, that she had been married five years to the defendant, who, at the time of marriage, was a sober, industrious man; but that for several years past, he had been in the habit of gambling and drinking.

Six months previous to the birth of her last child, the defendant commenced a violent assault and battery on her, by means of which a miscarriage ensued, and during the time of her confinement, the husband abandoned her, and at the birth, procured no assistance. She, notwithstanding, desisted from going to the police, and his brutality increased.

Previous to the first of January, 1816, the defendant had abandoned her, and though living under the same roof, slept in a room separate from hers, and had no communication with her.

The brothers and other members of the defendant's family, took the part of their relative against the woman, who had no friend or relation near, except a helpless, infirm mother.

On new-year's day, last above mentioned, very early in the morning, as the brethren and other friends were on their way to a tavern or grocery, to get hot stuff, the wife, in the bitterness of grief, expostulated with her husband on his conduct, whereupon a violent quarrel ensued, and the defendant proceeded by violence to turn her out of doors, and deprived her of her furniture, a part of which she brought in marriage.

It appeared from her testimony, that the defendant was constantly in the habit of leaving his business and visiting the grocery of William Carr, for the purpose of drinking and gambling, and that he afforded her no means of support.

The cause was ably summed up by the respective counsel, and the jury found the defendant guilty.

His sentence was suspended for several terms, for the purpose of giving him an opportunity of returning to his family, or affording it support.

The court, after the verdict, intimated that the court suspended the sentence for that purpose.

Several terms elapsed, and on the representation of the counsel for the prosecution, that the defendant refused to comply with any terms, or afford support to his family, the court imposed on him a fine of $300.

WILLIAM L. SARGEANT, ABRAHAM LOZIER, JAMES RYDER, AND JAMES DEVOE'S CASES.

BOGARDUS and MAXWELL, *Counsel for the prosecution.*
THOMPSON, SIMONS, MITCHELL, BACON, and R. EMMET, *Counsel for the prisoners.*

A former acquittal, on an indictment for a rape, on the traverse of which it appeared, that the act charged in the indictment as a rape, was perpetrated, is a bar to a subsequent prosecution, founded on the same transaction, for an assault and battery, with an intent to commit a rape, but is no bar to a prosecution for an assault and battery.

The prisoners were indicted, tried and acquitted on a charge for a rape, commit-

ted on Jane Robertson, on the night of the 18th day of February last.

On the traverse of this indictment, it appeared, that the act laid in the indictment, as a rape, was perpetrated under many peculiar circumstances of brutality, a detail of which we cannot, without outraging decency, lay before our readers.

During the sitting of the court, the prisoners were again indicted, for an assault and battery, with an intent to commit a rape on the same woman; and the indictment contained a count for a simple assault and battery.

The several charges contained in the last-mentioned indictment, as appeared from the testimony, were grounded on the same transaction as that which gave rise to the first prosecution.

The counsel for the prisoners contended to the court and jury, on the traverse of the last-mentioned indictment, that the defendants ought to be discharged from the indictment, because the less offence was included in the greater, from which they had already been discharged.

On this point, his honour the Mayor charged the jury that the act, charged as the offence in the indictment first traversed, having been perpetrated by the defendants, of which they had been acquitted, should the jury find them guilty of an offence connected with, and necessarily included within the greater, the two verdicts would be incongruous and inconsistent. The court, therefore, advised the jury to acquit them of an assault and battery, with an intent to commit a rape, and find them guilty of a simple assault and battery.

The jury so pronounced, and the defendants were sentenced to the Penitentiary, each for three years.

(BURGLARY.)

ABRAHAM VAN RIPER'S CASE.

MAXWELL, *Counsel for the prosecution.*
I. M. ELY, *Counsel for the prisoner.*

In an indictment for burglary, the ownership of goods belonging to A. and B. severally, may be stated as belonging, in the aggregate, to A. and B. without a separation of interests.

It seems, that the breaking and entering a house in the night, feloniously, is the gist of this offence, rather than the consummation of the intent.

The prisoner, during the term of January last, was indicted for a burglary, in breaking and entering the house of John C. Seaman, on the night of the 17th of January last, with an intention of stealing the goods and chattels of the said Seaman, and actually stealing a blue coat of the value of $50, and two silver watches, and divers other articles, specified in the indictment, all of the value of $300, *the property of John C. Seaman and Henry Lipkin.*

It appeared in evidence, that on the night laid in the indictment, the house of Seaman, at the corner of Washington and Liberty streets, was broken open by the prisoner, and the goods laid in the indictment, stolen therefrom. All the goods, except one of the watches, was the sole property of Seaman. This watch belonged to Lipkin.

The proof was positive, and the examination admitted the felony.

Ely raised an objection to the indictment, on the ground that the ownership of the goods alleged to have been stolen, was laid in two persons generally, without a separation of interests. He insisted that the several interests of the owners, ought to have been distinctly stated in the indictment; otherwise the prisoner, in case of an acquittal from this charge, could not avail himself of a plea of *auterfois acquit*, on a second trial for the same offence, the indictment for which might be conformable to the truth of the case.

Maxwell, contra.

The court decided, that as the offence charged in the indictment consisted in breaking and entering a dwelling house in the night, with a felonious intent, it was not necessary to allege or prove, that any larceny was in fact committed. In this case, the indictment would have supported the charge, without alleging that the goods were stolen. The argument of the counsel for the prisoner, therefore, does not apply.

The prisoner was immediately found guilty, and on the last day of the term, sentenced to the State-Prison for life.

(GRAND LARCENY.)

DAVID M'CULLOUGH'S CASE.

MAXWELL, *Counsel for the prosecution.*
SIMONS, *Counsel for the prisoner.*

Where a prisoner steals an article in another state, and brings it into the city of New-York, an indictment cannot be supported for the offence in this court; but where it is rendered in the least doubtful, whether such taking was in such state, or, *on the high seas*, the jury, in a clear case of guilt, disregarding technical niceties, will find the prisoner guilty.

The prisoner, a young man of decent appearance, during the term of January last, was indicted for stealing a gold watch of the value of $150, the property of Michael Fash.

It appeared, from the testimony of Fash, that the prisoner came with him in the Ship Cotton Plant as a cabin passenger, from Savannah, in Georgia, to this city. Fash, a short time before the vessel sailed, put the watch in his trunk; and, during the passage, having no occasion to examine the contents of the trunk, did not miss the watch until his arrival in this city. The vessel, at the time she weighed anchor for this city, was lying in Savannah river, and within the jurisdiction of Georgia.

It further appeared from the examination of the prisoner, that at the time the vessel lay at Savannah, he did steal the watch; and on his arrival in this city put up at the City-Hotel. He offered to sell the watch to Henry Young, of this city.

On the production of this testimony, the counsel for the prisoner moved the court for his discharge, on the ground that this court had no jurisdiction over an offence committed in Georgia. He cited 2 Johns. Rep. 477. 479.

Maxwell, contra.

The court, after examining the authorities, charged the jury that if they believed the offence to have been committed in Georgia, to acquit the prisoner; but if on the high seas, to find him guilty.

He was found guilty by the jury, but his sentence was suspended.

(NUISANCE.)

WILLIAM HAMILTON and JAMES LATHAM'S CASES.

RODMAN, *Counsel for the prosecution.*
The Defendants in proper person.

To carry on and continue any particular branch of business, from which manifest danger, by fire, is reasonably apprehended by divers inhabitants, in a compact part of the city, is a nuisance at common law.

Where the decision, however, in a particular case may affect the interests of many citizens, exercising a particular branch of business, in such a city, the Jury, under the peculiar circumstances of the case, will judge of the law for themselves.

The defendants, during the term of December last, were indicted for a nuisance at common law, in keeping a shop or building in Stone-street, and exercising, and continuing to exercise therein, the carpenter's business, to the great danger of divers the inhabitants of this city.

It appeared in evidence, that the defendants, who were proved to be two coloured men, of sober, industrious habits, had occupied, since the first day of May last, an old wooden building, in a ruinous situation, in Stone-street, for a carpenter's shop. There was also considerable lumber, used in their business, in and about the building. Contiguous to, and within a short distance from this building, there are a number of buildings, of great value, adjoining to others. Being in a very compact part of the city, fears were entertained, by the owners, for the safety of their houses: and it appeared, that the exercise of that particular branch of business, in that place, was very dangerous; though no particular act of negligence, on the part of the defendants, appeared. The owner of the premises, occupied by the defendants, resided in Albany.

As no counsel was employed, Rodman did not press a conviction; and the court charged the Jury, that the decision of the question, to the generality of mechanics, exercising this particular branch of business, was interesting. The court, for this reason, approached the subject with much caution. Without expressing any opinion in the case, the court left to the decision of the Jury, this question: Whether the exercise of the business in which the defendants were engaged, was more dangerous, carried on in this particular place, than in other places within the city? The decision of this question could not affect the interests of those engaged in this business, in places less dangerous. Should the Jury decide this question in the affirmative, the defendants, in the opinion of the court, ought to be found guilty; if not, they should be acquitted.

The Jury acquitted the defendants.

(FORGERY.)

ROBERT WADE'S CASE.

MAXWELL, *Counsel for the prosecution.*
PRICE, *Counsel for the prisoner.*

To pass a false and forged check, payable in notes current at the several banks in the city of New-York, is not a forgery at common law, or within the statute against forgery and counterfeiting.

The prisoner, during the last term, was

indicted under the statute for the forgery of a check, in the following words and figures:

"Cashier of the Exchange Bank, pay to —— or bearer, *in notes current at the several Banks in this city*, fifty dollars.

New-York, 5th day of Feb. 1817.

PHILIP HONE."

The indictment also contained a count for passing the same check to Robert Jones, knowing it to be forged, and the several counts, concluded "against the form of the statute."

It appeared in evidence, that the prisoner went to the clothing store of Jones, in Maiden-Lane, to purchase a coat, and passed the check to William Morgan, who attended the store, alleging that he received it from a man in New-Jersey. By referring to Hone, it was found that the check was a forgery, and the prisoner was taken to the police.

On his examination, he stated that he found the check in Wall-street.

From the testimony of Hone, it appeared that the check was a forgery, and that he had no account at the Exchange Bank.

No evidence was introduced concerning the forgery of the check; and the jury, after the arguments of the counsel and the charge of the court, found the defendant guilty of a misdemeanor at common law, on the count for passing the check.

Price afterwards moved in arrest of judgment, and contended, that the offence of passing counterfeit money was not embraced within the definition of forgery at common law, but was first created by statute. That statute was enacted to remedy the mischief of circulating forged paper or notes, which before that time were unknown to the common law, and not embraced in its provisions. Since, therefore, it was conceded that the offence of which the defendant had been convicted did not fall within the provisions of the statute, because the check was not payable in money, he, surely, could not be held guilty of a misdemeanor for the commission of that which the common law could never have contemplated.

The counsel cited to the court the several definitions of forgery at common law, from several elementary writers, and also read from 3 Coke's Inst. 168, and 6 Johns. Rep. 320, in support of his argument.

The court seemed, at first, inclined to the opinion that the offence was a misdemeanor at common law, embraced within the definition of forgery, and ordered the defendant to be remanded, and the case to lie over for consideration.

On the last day of this term, Price renewed his application, and Maxwell, the district attorney, admitted that the prisoner was entitled to his discharge from the conviction, but moved that he be again committed, until his case could be laid before the grand jury, for a fraud in obtaining goods by false pretences.

He was discharged, on giving security for his appearance at the next term, to answer that charge.

(FORGERY.)

SOLOMON REYNOLDS AND ELIHU DICKISON, *al. dict.* CHAMPLAIN.

MAXWELL, *Counsel for the prosecution.*
SIMONS, *Counsel for the prisoner.*

Where two, in concert, pass a counterfeit bill, and endeavour to escape, and in their several examinations give contradictory and unsatisfactory accounts of such possession, these are strong circumstances of guilt.

During the term of January last the prisoners were indicted for the forgery of a $20 bill on the Merchants' Bank, in the city of New-York, and for passing the same to Joseph Thompson, knowing it to be forged.

It appeared in evidence, that the prisoners came, together, on new-year's night, at about twelve o'clock, to the oyster-cellar of Thompson, a black, and called for a fowl, and ate the same. Reynolds then delivered the bill laid in the indictment to Thompson for change; and both the prisoners, on an inquiry made by Thompson, declared the bill good. He then gave the change to Reynolds, and sent out his boy to inquire whether the bill was good? Before the boy returned both the prisoners went off; and as soon as Thompson had ascertained the bill was bad, he went in search of the prisoners, and, when he was about overtaking them, they fled.

In the examination of the prisoners, severally taken in the police, they charge each other with passing the bill, and give no satisfactory account of the possession thereof.

Some other testimony was introduced, showing, that Reynolds had been in company with a stranger from Canada, from whom, as was alleged, he had money; but nothing clear on this point was proved,

and we, therefore, do not consider it material.

His honour the Mayor, after adverting to the circumstances in this case in relation to the passing the bill, charged the jury, that if they believed, from those circumstances, in connexion with the examination of the prisoners, that at the time they passed the bill they believed it to be counterfeit, it would be the duty of the jury to find them guilty; otherwise, to acquit them.

The prisoners were found guilty, and sentenced to the state-prison seven years each.

SUMMARY.

(GRAND LARCENY.)

Eliza Jackson, for stealing a quantity of clothing, the property of Elizabeth King, of the value of $24 80;

Jacob Johnson, for stealing divers articles of jewellery, of the value of $91, the property of George Bower, and a piece of flannel, the property of David R. Lambert;

Jacob Simmons, for stealing a surtout coat and a quantity of segars, the property of Edward Mead;

John M'Comb, *George Hopping*, *and James Yeomans*, for stealing a quantity of combs, knives and spectacles, the property of Richard Duryee and Cornelius Heyer;

Sarah Ann Graham, for stealing a gold watch, of the value of $30, the property of James Trevit;

James Campbell and Robert Kyle, for cutting away and stealing a jib-sail from the bowsprit of the sloop Aurora, in this city, the property of Charles M'Carty;

John Clark and Ezekiel Murdon, for stealing a quadrant and divers articles of clothing from the cabin of a sloop, the property of Benjamin Moore and William Stone;

Thomas Keatly, for stealing two watches and a sum in specie, the property of David Dunham;

Jacob Johnson, for stealing a piece of flannel, the property of David R. Lambert; and *Thomas Tillotson*, for a similar offence, were each indicted, tried, and found guilty of this offence: and Jackson, Johnson, (first-named,) M'Comb, Hopping, Yeomans, and Graham, were sentenced to the state-prison for five years each, and the remainder, except Campbell, Kyle and Keatley, for three years and a day each.

(PETIT LARCENY.)

Stephen Pegall, *James Douglas*, *Spencer Gray*, *John Day*, *Patrick Hurley*, *Eliza Garrison and Sylvia Anderson*, *John Williams*, *Lurton Dusenbury*, *John De Haert and Francis M'Ewen*, *Jane Patterson*, *Farley Hammond*, *Francis Thompson*, *Isaac Lee*, *and John Paul*, were each indicted, tried and found guilty of this offence; and Thompson, De Haert, M'Ewen, and Dusenbury, were sentenced to the penitentiary eighteen months each; Gray and Patterson nine months each; and the remainder for six months each.

*** During this term, no cause of magnitude, except that of Sargeant and others, was traversed: the calendar was small.